

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL P. DAY,

Plaintiff,

v.

CHARLES GRACY and
MARK GRACY,

Defendants

Docket No. 1:18-CV-10396-FDS

**AFFIDAVIT OF PATRICK M. GROULX IN SUPPORT
OF THE PLAINTIFF'S RENEWED MOTIONS
FOR SUMMARY JUDGMENT AND REAL ESTATE ATTACHMENT**

I, Patrick M. Groulx, on personal knowledge, information, and belief, and on oath, do state and depose as follows:

1. I am the Plaintiff's attorney in this action.
2. On December 13, 2018, the parties filed a joint motion to change the deadlines in this matter and approve a stipulation of various matters pertaining to discovery. [Document 47].
3. The parties entered into the stipulation to resolve the issues raised in the Plaintiff's motions filed in November 2018 and allow both parties to complete discovery.
4. On December 13, 2018, the Court approved the stipulation. [Document 49].
5. Paragraph 5 of the stipulation provided that "Defendants will serve responses to Plaintiff's written discovery requests (interrogatories, document requests, and requests for admission) no later than January 4, 2019." Id. at ¶ 5.
6. The Defendants did not serve their responses to the requests for admissions by January 4, 2019, in accordance with our stipulation.

7. I received no notice prior to January 4, 2019, that the Defendants would not be serving their discovery in accordance with the parties' stipulation. Had I received a request for extra time, I would have accommodated them. But instead, I was not contacted or notified in any way.
8. I had no contact with the Defendants until I initiated the LR 7.1 conference on January 11, 2019.

Submitted this day under the pains and penalties of perjury,

/s/ Patrick M. Groulx
Patrick M. Groulx

Date: January 12, 2019